

# EXHIBIT 52

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF MICHIGAN  
3 SOUTHERN DIVISION  
4 \_\_\_\_\_  
5 )  
6 In Re FLINT WATER CASES ) Civil Action No.  
7 ) 5:16-CV-10444-JEL-MKM  
8 ) (Consolidated)  
9 )  
10 ) Hon. Judith E. Levy  
11 ) Mag. Mona K. Majzoub  
12 )  
13 )  
14 )  
15 Elnora Carthan, et al., )  
16 Plaintiffs, )  
17 ) Civil Action No.  
18 -vs- ) 5:16-CV-10444-JEL-MKM  
19 Governor Rick Snyder, )  
20 et al, )  
21 Defendants. )  
22 \_\_\_\_\_)

23 HIGHLY CONFIDENTIAL  
24 VIDEOTAPED DEPOSITION OF ROBERT BINCSIK - VOL 1  
25 Thursday, December 19, 2019  
26 at 9:09 a.m.  
27  
28 Taken at: Butzel Long  
29 41000 Woodward Avenue  
30 Bloomfield Hills, Michigan 48304  
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20 ALSO PRESENT:

21 Jeff Gudme - Videographer

22

23

\* \* \* \*

24

1 a.m., correct?

2 A. Correct.

3 Q. You remember this exchange, don't you?

4 A. Vividly.

5 Q. Why do you remember it vividly?

6 A. Well, there's a number of reasons, but primarily I think  
7 the e-mails that I wrote speak for themselves. There's,  
8 I think, log -- you don't have to be a licensed water  
9 system operator to come to the conclusion that if there  
10 is one house that's having a high lead sample that other  
11 ones would have the potential to have the same thing.

12 Q. Okay. So we start with Michael Glasgow. He reports on  
13 this day at 1:48 p.m. that he went back to Leanne  
14 Walters' house and collected a sample that she had  
15 collected for him for the lead and copper evaluation,  
16 lead and copper rule, and he got the results back at 104  
17 parts per billion when the federal regulatory limit was  
18 15 parts per billion.

19 Do you see that?

20 A. Yes.

21 Q. That was huge, wasn't it?

22 MR. KIM: Objection as to form.

23 THE WITNESS: That's significantly over the

24 MCO.

1 BY MR. CAMPBELL:

2 Q. I mean, all the lights were blinking when he reported a  
3 lead result of 104 parts per billion, correct?

4 A. For some.

5 Q. Okay. For you?

6 A. Sure.

7 Q. He later comes back and does another test at Leanne  
8 Walters' house, this time removing some filters she had  
9 and he got a lead result of in excess of 300 parts per  
10 billion.

11 Do you remember that?

12 A. Yes.

13 Q. Again, lights are blinking all over the place at that  
14 point, right?

15 MR. KIM: Objection as to form.

16 THE WITNESS: For some.

17 MR. CAMPBELL: For some.

18 BY MR. CAMPBELL:

19 Q. Glasgow on his own concludes when he first reports this  
20 to you and your colleagues that "there is definitely a  
21 pressing issue here".

22 Did I read that correctly? Right in the  
23 middle of the first e-mail. There's definitely a  
24 pressing issue here.



1 Did I read that correctly?

2 A. Yes.

3 Q. And that's how you took it, right?

4 A. Absolutely.

5 Q. He raises in that same e-mail, he worries if her service  
6 line is lead.

7 Do you see that?

8 A. Yes.

9 Q. You respond, like I said, about a half hour later, you  
10 respond, and you say to Glasgow and the others, Croft,  
11 Johnson and Brent Wright:

12 "The majority of service lines in the city of  
13 Flint are lead from the main to the curb, and in some  
14 cases from the main to the house."

15 You made that report based upon your knowledge  
16 and experience over the years working at the water  
17 distribution system, correct?

18 A. Correct.

19 Q. You believed that to be true when you made it, right?

20 A. Correct.

21 Q. When you made that statement.

22 You then went on to say:

23 Marvin from Veolia mentioned to me he thought  
24 we needed to add phosphate to our water to help prevent

1           this.

2                           Did I read that correctly?

3    A.    Yes.

4    Q.    So you're talking about Marvin Gnagy?

5    A.    I don't know his last name, but I do know that he worked  
6           for Veolia.

7    Q.    Okay.  So one of the Veolia North American engineers, or  
8           whatever they are, scientists who were there, whatever  
9           their technical skills are, told you that the city might  
10          have to add phosphate to the drinking water to help with  
11          lead issues?

12   A.    Correct.

13   Q.    And you now on February 24, 2015 you report that to the  
14          city, you report it to the higher-up.

15   A.    My opinion is they had the report -- they already knew  
16          that.

17   Q.    Okay.  Leaving aside your opinion -- well, why do you  
18          say that?  What's that opinion based on?

19   A.    Well, I don't think Marvin just shared that information  
20          with me at all.

21   Q.    Okay.  Were you aware of the technical advisory  
22          committee that existed that was put together by the  
23          emergency manager?

24   A.    Yes.

1 Q. Did you know that one of the members of the technical  
2 advisory committee was a renowned professor from  
3 Michigan State by the name of Joan Rose?

4 A. Yes.

5 Q. Do you know that Joan Rose raised with the city leaders  
6 in January of 2015, before all this happened, in a  
7 communication a written communication to the city of the  
8 need to run tests for a variety of matters including  
9 lead?

10 A. I wasn't aware of that, but I can believe that.

11 Q. Were you a member of the technical advisory committee?

12 A. I was not, at that time.

13 Q. I gather you've since been made a member of it or  
14 something like it?

15 A. Yeah, I think it's now, frankly, it's defunct, if I'm  
16 not mistaken, so --

17 Q. Okay. So you go on after reporting that Marvin from  
18 Veolia told you that the city should be adding phosphate  
19 to help deal -- to prevent this to say:

20 "We need to move on this sooner rather than  
21 later, given that we have approximately 80 percent  
22 service lines and thousands of leaded joints."

23 So you were saying to your superiors, this big  
24 problem now identified at Leanne Walters' house, coupled

1 with the existence of lead service lines that are  
2 ubiquitous in the system, means we have to get on this  
3 right away.

4 MR. KIM: Objection as to form.

5 THE WITNESS: Yeah, that's what I'm saying.

6 MR. CAMPBELL: Right.

7 BY MR. CAMPBELL:

8 Q. Howard Croft, who was a couple of levels up from you,  
9 responded within minutes; and his response was:

10 Move quickly to isolate this to the service  
11 line if possible.

12 That was the work he wanted done, right?

13 A. Yes.

14 Q. He did not instruct you or Wright or Glasgow to go on to  
15 take a system-wide review to determine whether or not  
16 this was a problem that was system-wide?

17 A. Correct.

18 Q. That was something you thought should have been done,  
19 correct?

20 A. Correct.

21 Q. But it wasn't done?

22 A. Correct.

23 Q. And it wasn't done because people higher than you  
24 decided not to do it?

1 A. Correct.

2 Q. You followed up the memo from Croft by saying:

3 "I think this indicates a larger potential  
4 problem in the system. If this one service is showing  
5 lead issues, the entire system could begin to show these  
6 problems."

7 Did I read that correctly?

8 A. Yes.

9 Q. And in fact, if you fast forward a year, you were right,  
10 correct?

11 A. Unfortunately.

12 Q. Well, unfortunate for lots of people. But here you are  
13 in February of 2015 and you were spot-on with respect to  
14 the system-wide nature of this problem with lead, and  
15 you told your superiors what should be done and then  
16 they did not follow it, right?

17 MS. PEASLEE: Object to form.

18 THE WITNESS: Correct.

19 MR. CAMPBELL: Just give me a second.

20 BINCSIK EXHIBIT 162

21 3/5/15 E-Mail - Bates

22 Number 04-15-2016 SOM0020325

23 WAS MARKED BY THE REPORTER

24 FOR IDENTIFICATION

1 MR. CAMPBELL: I'm sorry, I don't have a  
2 highlighted version of that document for you. My  
3 apologies.

4 MS. DEVINE: 04-15-2016 SOM0020325.

5 BY MR. CAMPBELL:

6 Q. So this is an e-mail from Howard Croft, one of the  
7 bosses, to a whole bunch of people, including Daugherty  
8 Johnson and Mike Glasgow, Mike Prysby, and others. And  
9 the reference is the technical committee follow-up. And  
10 I put it before you because here Howard Croft is  
11 memorializing the fact that a technical committee  
12 meeting had taken place presumably proximate in time to  
13 March 5, 2015, and in the second paragraph he's  
14 referencing both Dr. Rose, from Michigan State I submit,  
15 and Michael Wright, who's an epidemiologist on the staff  
16 of the Environmental Protection Agency in its Cincinnati  
17 office, who are members of that technical advisory  
18 committee.

19 Do you see that?

20 A. Yes.

21 Q. Were you aware that Professor Joan Rose and  
22 epidemiologist Michael Wright were on that technical  
23 advisory committee?

24 A. I don't believe so.